

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,) CR 16-00556 LEK
Plaintiff,) Honolulu, Hawaii
vs.) October 11, 2019
(1) WILLIAM NOTYCE,) (313-1) MOTION to Withdraw
Defendant.) as Attorney for Defendant
Michael Jay Green and
Thomas M. Otake
(Sealed proceedings under
separate cover.)

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE LESLIE E. KOBAYASHI
UNITED STATES DISTRICT JUDGE

APPEARANCES:

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Proceedings recorded by machine shorthand, transcript produced
with computer-aided transcription (CAT).

UNITED STATES DISTRICT COURT

1 FRIDAY, OCTOBER 11, 2019 9:49 A.M.

2 THE COURTROOM MANAGER: Criminal 16-556 LEK United
3 States of America versus Defendant William Notyce.

4 This case has been called for a Motion to Withdraw as
5 Attorneys for Defendant William Notyce.

6 Counsel, your appearances for the record, please.

7 MR. ALBANESE: Good morning, Your Honor.

8 Michael Albanese for the United States.

9 MR. GREEN: Your Honor, Michael Green, Thomas Otake.
10 Defendant is also here.

11 THE COURT: All right. The record will reflect the
12 presence of Mr. Notyce.

13 We're here on motion to withdraw. I'm going to hear
14 Mr. Albanese's position first, and then I'm going to excuse him
15 and seal the courtroom.

16 All right. Mr. Albanese.

17 MR. ALBANESE: Yes, Your Honor.

18 I don't have much to add beyond what I put in our
19 pleading, just to say that, again, that I don't suspect any bad
20 faith on behalf of defense counsel.

21 My concern here is that there's a pattern, and I don't
22 know the exact nature of the conflict that's occurring right
23 now, but I just ask your Court to probe carefully. And if the
24 motion is granted, I hope that whatever groundwork can be laid
25 to make clear to the defendant that this is not an option to

1 avoid trial going forward and so that -- because, you know, I
2 do have suspicion based on the procedural context that that's
3 what's going on here is that defendant doesn't want to face a
4 jury in this case, doesn't want to face the evidence in this
5 case, and is, you know, after unsuccessfully moving to
6 continue, has now decided, well, the way I can put off being
7 held accountable here is to fire -- is to create a conflict,
8 fire my attorneys, knowing that the new attorney's going to
9 need several months to get up to speed, and then we'll see what
10 happens in the future. And that's the concern the government
11 has here.

12 So with that, I'll leave the courtroom.

13 THE COURT: All right. Very good. Thank you very
14 much. And at this point we'll seal the courtroom and the
15 court's going to have an opportunity to question Mr. Notyce.

16 (Sealed proceedings transcribed under separate cover.)

17 * * * *

18 THE COURT: The record will reflect that the
19 courtroom's no longer sealed. Mr. Albanese is present.
20 Present also are Mr. Green, Mr. Otake, and Mr. Notyce.

21 Based on the testimony given and the submissions by the
22 parties, the court concludes that there has been a breakdown of
23 the attorney-client relationship and that the breakdown is
24 irreconcilable, and therefore, the court grants the motion to
25 withdraw as counsel. Mr. Green and Mr. Otake are discharged as

1 counsel in this case.

2 Mr. Albanese, I've set a hearing for Tuesday,
3 October 15th -- is that 15th? -- yes, October 15th, at 2 P.M.
4 and Mr. Notyce will decide by then whether he's going to
5 represent himself or if he's going to obtain new counsel. If
6 new counsel, then that counsel needs to appear on Tuesday.

7 MR. ALBANESE: If he represents himself, is the
8 trial going forward on the 28th?

9 THE COURT: Right now the trial's going forward on
10 October 28th.

11 MR. ALBANESE: Okay.

12 THE COURT: And I would take his -- the *Faretta*
13 inquiry on Tuesday, October 15th. So he needs to make that
14 determination.

15 MR. ALBANESE: Okay.

16 THE COURT: All right.

17 MR. ALBANESE: Thank you.

18 THE COURT: All right. So any questions or
19 clarifications, Mr. Green?

20 MR. GREEN: None, thank you.

21 THE COURT: Mr. Otake?

22 MR. OTAKE: No thank you, Your Honor.

23 THE COURT: So the minutes should suffice for an
24 order.

25 Mr. Notyce, do you have any questions or clarifications

1 you need from the court?

2 THE DEFENDANT: Not at this time, Your Honor.

3 THE COURT: All right. So I'll see you Tuesday at

4 2 P.M. All right. Very good. We're in recess.

5 (Proceedings concluded at 10:09 A.M.)

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COURT REPORTER'S CERTIFICATE

I, DEBRA READ, Official Court Reporter, United States District Court, District of Hawaii, do hereby certify that pursuant to 28 U.S.C. §753 the foregoing is a complete, true, and correct transcript of the stenographically reported proceedings held in the above-entitled matter and that the transcript page format is in conformance with the regulations of the Judicial Conference of the United States.

DATED at Honolulu, Hawaii, October 21, 2019.

/s/ Debra Read

DEBRA READ, CSR CRR RMR RDR